was that the injury had existed before the commencement of the employment. After a hearing before the arbitration committee and a review of its findings by the Arbitration Commissioner, compensation was refused. The plaintiff appealed to the district court, which, on the evidence taken before the committee and the Commissioner, reversed the decision of the Commissioner. The defendant appealed on the ground that, since the evidence was conflicting, the findings of the Commissioner on questions of fact were conclusive. *Held*, that the judgment of the district court be reversed. *Hughes* v. *Cudahy Packing Co.*, 185 N.W. 614 (Iowa).

The decision in the principal case is in accord with the majority of state decisions relative to the conclusiveness of administrative findings of fact in workmen's compensation cases. But the Supreme Court has not decided whether such procedure affords due process. See, however, *Hawkins* v. *Bleakly*, 243 U. S. 210, 214-216. In cases involving postal privileges, the issue of land patents, and taxation, administrative findings of fact may be made conclusive in the absence of arbitrariness. *Bates and Guild Co.* v. *Payne*, 194 U. S. 106; *Johnson* v. *Drew*, 171 U. S. 93; *Hilton* v. *Merritt*, 110 U. S. 97. *Cf. American School of Magnetic Healing* v. *McAnnulty*, 187 U. S. 94. See E. F. Albertsworth, "Judicial Review of Administrative Action," 35 HARV. L. REV. 127, 136-143. It has even been held that the findings of immigration officials, when the fact in question is United States citizenship, may be final. *Ju Toy* v. *United States*, 198 U. S. 253. This position is extreme, however, and later utterances of the Court indicate that it will be astute to find any element of arbitrariness in the course of the proceedings. *Kwock Jan Fat* v. *White*, 253 U. S. 454; *Chin Yow* v. *United States*, 208 U. S. 8, 12. See Nathan Isaacs, "Judicial Review of Administrative Findings," 30 YALE L. J. 781. On the other hand, in proceedings regarding rate regulation there must be review by a court exercising "independent judgment." *Ohio Valley Water Co.* v. *Ben Avon Borough*, 253 U. S. 287. See L. Curtis, 2nd, "Judicial Review of Commission Rate Regulation," 34 HARV. L. REV. 862; T. P. Hardman, "Judicial Review as a Requirement of Due Process," 30 YALE L. J. 681. Judicial review of findings of fact in workmen's compensation cases would tend to defeat one of the principal objects of the acts, the furnishing of a cheap and speedy procedure, which, though perhaps rough, has been deemed more socially desirable than the more refined but, in practice, inadequate relief afforded by judicial justice. See Thomas R. Powell, "The Workmen's Compensation Cases," 32 POL. SCI. QUART. 542, 551-560. The need is obvious, and the Court will probably uphold this legislative conception of due process. See *Gundling* v. *Chicago*, 177 U. S. 183, 188; *Holden* v. *Hardy*, 169 U. S. 366.

ADMIRALTY — JURISDICTION — STATE WORKMEN'S COMPENSATION ACTS AS APPLIED TO MARITIME ACCIDENTS. — A carpenter, aiding in the construction of a vessel which had previously been launched on a river within the Federal admiralty jurisdiction, was accidentally injured in the course of his employment. He had previously accepted the provisions of a state Workmen's Compensation Act which provided an exclusive remedy. (See 1920 OLSON'S OREGON LAWS, § 6605; 1913 OREG. LAWS, c. 112.) He brings a libel in admiralty on the theory of maritime tort. *Held*, that the libelant do not recover. *Grant Smith-Porter Ship Co.* v. *Rhode*, U. S. Sup. Ct., October Term, 1921, No. 35.

A stevedore was injured in the course of his employment while standing on a wharf. He seeks to recover under an elective Workmen's Compensation Act. (1919 ME. LAWS, c. 238.) *Held*, that the plaintiff recover. *Berry* v. *M. F. Donovan & Sons, Inc.* 115 Atl. 250 (Me.).

For a discussion of the principles involved, see NOTES, *supra*, p. 743.

ADVERSE POSSESSION — AGAINST WHOM TITLE MAY BE GAINED — MUNICIPALITY — ADVERSE POSSESSION OF "ABANDONED" HIGHWAY. — The de-

fendant legally established a highway on the land in question in 1871. The plaintiff fenced the ground, and remained in possession for fifty years. The defendant now seeks to open the highway; and the plaintiff, claiming abandonment by the county, sues for an injunction. *Held*, that the injunction be granted. *Arthur* v. *Wright County*, 185 N. W. 602 (Iowa).

As a result of the wide distribution of public lands, and the necessity of protecting the rights of the public against the negligence of public officials, the ancient rule that adverse possession cannot defeat the title of the sovereign still persists. *Wagnon* v. *Fairbanks*, 105 Ala. 527, 17 So. 20. See 15 HARV. L. REV. 146; 23 HARV. L. REV. 555. But since a municipality is more compact than a state, and has, therefore, less excuse for overlooking adverse possessors, some courts allow acquisition of title by adverse possession against a municipality. *Ft. Smith* v. *McKibbin*, 41 Ark. 45; *Meyer* v. *Lincoln*, 33 Neb. 566, 50 N. W. 763. Most jurisdictions reject this distinction on the ground that the same reasoning used in the case of states applies, though to a less degree, in the case of municipalities. *Ralston* v. *Weston*, 46 W. Va. 544, 33 S. E. 326; *Kopf* v. *Utter*, 101 Pa. St. 27. See also 3 DILLON, MUNICIPAL CORPORATIONS, 5 ed., § 1193. The rule is inapplicable as to public property devoted to *quasi*-private uses. *Mowry* v. *Providence*, 10 R. I. 52. See 15 HARV. L. REV. 846; 3 DILLON, *op. cit.*, § 1188; ELLIOTT, ROADS AND STREETS, 2 ed., §§ 882, 883. And some authorities would allow title to be acquired in any case of great hardship, on a theory of "estoppel." See *Heddleston* v. *Hendricks*, 52 Ohio St. 460, 465, 40 N. E. 408, 409. See 3 DILLON, *op. cit.*, § 1194. But see *Ralston* v. *Weston*, *supra*, at 555. The principal case suggests another limitation, whereby property "abandoned" by the municipality may vest in adverse possessors. See *accord*, *Weber* v. *Iowa City*, 119 Iowa, 633, 93 N. W. 637; *Webber* v. *Chapman*, 42 N. H. 326. *Cf. Collett* v. *Board Com'rs County of Vanderburgh*, 119 Ind. 27, 21 N. E. 329. See also 3 MCQUILLAN, MUNICIPAL CORPORATIONS, § 1399, note 84. The Iowa position is virtually a repudiation of the general doctrine, for the distinction between "abandonment" and non-user is practically illusory. *Cf.* ELLIOTT, *op. cit.*, § 885. Certainly public highways should be protected from adverse possessors. See 2 TIFFANY, REAL PROPERTY, 2 ed., § 417. Statutes reach this result in some jurisdictions. See 1920 OREG. LAWS, § 4704, 4705; 1917 UTAH COMP. LAWS, § 6457.

AMBASSADORS AND CONSULS — IMMUNITY OF CONSULS FROM PROSECUTION IN STATE COURTS. — The defendant, a consul general, was indicted in a state court after the revocation of his *exequatur* by the President, for crimes committed while he was consul. A statute provides that the jurisdiction of the Federal courts shall be exclusive of the state courts in "suits and proceedings . . . against consuls or vice consuls" (36 STAT. AT L. 1160). The defendant moved that the indictment be dismissed. *Held*, that the motion be denied. *People* v. *Savitch*, 190 N. Y. Supp. 759 (Gen. Sessions, N. Y. Co.).

For a discussion of the principles involved, see NOTES, *supra*, p. 752.

BILLS AND NOTES — PURCHASERS FOR VALUE WITHOUT NOTICE — ALTERATION, CERTIFICATION, AND SUBSEQUENT *BONA FIDE* PURCHASE — NEGOTIABLE INSTRUMENTS LAW, § 62. — A St. Louis bank drew a draft on a Chicago bank, and mailed it to the payee in Pittsburgh. The draft was stolen from the mails. The thief erased the name of the payee, skilfully inserted his own name, indorsed the instrument, and presented it in payment for some diamonds; a certification was secured, and the jewels were thereupon turned over to him. The jeweller deposited the draft in the defendant bank; the plaintiff, the drawee bank, paid it through the clearing house, and, having discovered the forgery, sought to recover the money so paid. *Held*, that it cannot recover.